



Senate

General Assembly

File No. 362

February Session, 2002

Substitute Senate Bill No. 401

Senate, April 8, 2002

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING INVASIVE PLANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2002*) (a) There shall be an
2 Invasive Plants Council which shall consist of the following members:
3 (1) The Commissioner of Agriculture, or the commissioner's designee;
4 (2) the Commissioner of Environmental Protection, or the
5 commissioner's designee; (3) the Director of the Connecticut
6 Agricultural Experiment Station, or the director's designee; (4) the
7 Dean of the College of Agriculture at The University of Connecticut, or
8 the dean's designee; (5) a representative of Invasive Plant Atlas of New
9 England; (6) one representative of a nonprofit association concerned
10 with the environment appointed by the speaker of the House of
11 Representatives; (7) one representative of a nonprofit association
12 concerned with growers and retailers of plants and flowers appointed
13 by the president pro tempore of the Senate; (8) one representative of a
14 nonprofit association concerned with oceans, lakes and rivers
15 appointed by the Governor; and (9) one representative from a

16 company that grows or sells flowers and plants appointed by the
17 minority leader of the House of Representatives.

18 (b) The council shall annually elect a chairperson from among its
19 members who shall convene and preside over the council meetings.
20 Such meetings shall be held at least twice per year. The council may
21 create work groups as necessary.

22 Sec. 2. (NEW) (*Effective October 1, 2002*) (a) The Invasive Plants
23 Council shall: (1) Develop and conduct a program to educate the
24 general public and merchants and consumers of aquatic and land-
25 based plants as to the problems associated with invasive plants; (2)
26 make recommendations to control and abate the spread of invasive
27 plants; (3) provide information regarding invasive plants available to
28 any person or group who requests such information; (4) annually
29 publish and periodically update a list of plants considered to be
30 invasive; and (5) support those state agencies charged with protecting
31 the environment in conducting research into the control of invasive
32 plants, including, but not limited to, the development of new varieties
33 of plant species that do not harm the environment and methods of
34 eradicating and managing existing species of invasive plants.

35 (b) The council, within available appropriations, may conduct or
36 recommend research on the problem of invasive plants.

37 (c) The council may use such funds as may be available from
38 federal, state or other sources and may enter into contracts to carry out
39 the purposes of this section.

40 (d) The council shall, in accordance with section 11-4a of the general
41 statutes, annually report to the joint standing committee of the General
42 Assembly having cognizance of matters relating to the environment on
43 the council's accomplishments of the past year and recommendations
44 for the upcoming year.

45 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) In publishing and
46 updating the list of invasive plants provided for in section 2 of this act,

47 the Invasive Plants Council shall determine that a plant possesses the
48 following characteristics before it is included on such list: (1) Is
49 nonindigenous to the state; (2) is naturalized, or occurring without the
50 aid and benefit of cultivation in an area where the plant is
51 nonindigenous; (3) under average conditions, the plant has the
52 biological potential for rapid and widespread dispersion and
53 establishment in the state or region within the state; (4) under average
54 conditions, the plant has the biological potential for excessive
55 dispersion over habitats of varying sizes that are similar or dissimilar
56 to the site of the plant's introduction into the state; (5) under average
57 conditions, the plant has the biological potential for existing in high
58 numbers outside of habitats that are intensely managed; (6) occurs
59 widely in a region of the state or a particular habitat within the state;
60 (7) the plant has numerous individuals within many populations; (8) is
61 able to out-compete other species in the same natural plant
62 community; and (9) has the potential for rapid growth, high seed
63 production and dissemination and establishment in natural plant
64 communities.

65 (b) In addition to plants that meet the criteria in subsection (a) of
66 this section, the council may list plants that have the potential, based
67 on their biology and colonization history, to become invasive in the
68 state.

69 (c) In addition to the criteria specified in subsection (a) of this
70 section, the council may use other criteria that it deems appropriate.
71 The listing of a plant shall require the approval of the majority of the
72 membership of the council. The council shall hold a public hearing
73 concerning said list not later than thirty days prior to the publication of
74 the initial list or any changes to said list.

75 (d) In listing a plant, the council shall: (1) Make recommendations
76 on how to discourage the sale and import of such plants in the state;
77 (2) make a finding on: (A) The estimated dollar value of sales of said
78 plant in the state; (B) the estimated costs associated with eradication of
79 the plant in the state; (C) the potential effect of the plant on the

80 environmental resources of the state or a region within the state; and
81 (D) the estimated effect on property values in the state or a region of
82 the state where said plant may propagate; and (3) identify alternative
83 plants to the listed plant for growing purposes.

84 Sec. 4. (NEW) (*Effective October 1, 2002*) Each state agency,
85 department or institution shall use reasonable efforts to avoid the
86 purchase of plants on the list described in subdivision (4) of subsection
87 (a) of section 2 of this act. If a state agency, department or institution
88 does purchase such a plant, said agency, department or institution
89 shall provide written notice of such purchase to the council including
90 an explanation for such purchase. Nothing in this section shall be
91 construed to prohibit the transportation of plants on said list for
92 educational or research purposes.

93 Sec. 5. Section 15-140e of the general statutes is amended by adding
94 subsection (f) as follows (*Effective October 1, 2002*):

95 (NEW) (f) Any course in safe boating operation approved by the
96 Commissioner of Environmental Protection, as described in subsection
97 (b) of this section, shall include instruction on the proper means of: (1)
98 Inspecting a motorboat for the presence of invasive plants; (2)
99 identifying such plants; and (3) disposing of such plants.

100 Sec. 6. (NEW) (*Effective October 1, 2002*) (a) No person shall transport
101 a motorboat, as defined in section 15-127 of the general statutes, in the
102 state without first inspecting such vessel for the presence of: (1) Curly
103 leaved Pondweed (*Potamogeton crispus*); (2) fanwort (*Cabomba*
104 *caroliniana*); (3) eurasian water milfoil (*Myriophyllum spicatum*); (4)
105 variable water milfoil (*Myriophyllum heterophyllum*); (5) water
106 chestnut (*Trapa natans*); (6) egeria (*Egeria densa*); and (7) hydrilla
107 (*Hydrilla verticillata*) and properly removing and disposing of such
108 plants from such vessel.

109 (b) Any person who violates the provisions of this section shall be
110 fined not more than one hundred dollars for each such violation.

111 Sec. 7. Subsection (a) of section 26-6 of the general statutes is
 112 repealed and the following is substituted in lieu thereof (*Effective*
 113 *October 1, 2002*):

114 (a) Conservation officers, special conservation officers and
 115 patrolmen appointed by the commissioner under authority of section
 116 26-5, shall enforce the provisions of title 23 and this title and chapters
 117 246, 247, 248, 255 and 268 and regulations adopted pursuant to such
 118 titles and chapters and sections 26-192c to 26-192h, inclusive, 22a-250,
 119 as amended, 29-28, as amended, 29-35, as amended, 29-38, 53-134, 53-
 120 190, 53-191, 53-194, 53-203, 53-204, 53-205, 53a-59 to 53a-64, inclusive,
 121 53a-100 to 53a-117, inclusive, subsection (b) of section 53a-119b, 53a-
 122 122 to 53a-125, inclusive, 53a-130, 53a-133 to 53a-136, inclusive, 53a-147
 123 to 53a-149, inclusive, 53a-157b, 53a-165 to 53a-167c, inclusive, as
 124 amended, 53a-171, 53a-181 to 53a-183a, inclusive, as amended, 54-33d,
 125 [and] 54-33e and section 6 of this act.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>

ENV *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
GF - Cost	Department of Environmental Protection; Connecticut Agricultural Experiment Station; University of Connecticut School of Agriculture; the Department of Agriculture, Various	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

Membership on the Invasive Plants Council is anticipated to minimally impact the workloads of the Department of Agriculture (DOAG), the Connecticut Agricultural Experiment Station (Station), the College of Agriculture at the University of Connecticut (UConn) and the Department of Environmental Protection (DEP), within normal budgetary resources. The Invasive Plants Council currently functions as a working group and this legislation will formalize many existing activities. The publication of the list of plants considered to be invasive is currently produced by the DEP. The coordination of the working group is mainly handled by UConn. The council does not currently receive a specific appropriation.

Requiring that each state agency, department or institution use reasonable efforts to avoid the purchase of invasive plants is not anticipated to have a fiscal impact. The notification requirements could minimally increase the administrative workload of various agencies, within resources.

Requiring that courses in safe boating approved by the DEP include information on inspections, identifying and disposing of invasive

plants, is not anticipated to have a fiscal impact. This type of information is already included in courses.

Any revenue increase to the General Fund due to the \$100 maximum fine for transporting a motorboat without inspecting it for specific plants is anticipated to be negligible.

OLR Bill Analysis

sSB 401

AN ACT CONCERNING INVASIVE PLANTS**SUMMARY:**

This bill creates a nine-member Invasive Plants Council to educate the public about the dangers invasive plants pose to the ecosystem, publish a list of such plants, and recommend ways to control or eliminate them.

It requires the council to annually publish and update a list of invasive plants, specifies the criteria the council must consider, authorizes the council to consider other criteria it deems appropriate, and requires that it hold a public hearing at least 30 days before the list is published or updated. It requires the council to make certain findings when listing a particular plant and authorizes it to include plants with the potential to be invasive as well as those already present in the state.

The bill requires state agencies and institutions to (1) use reasonable efforts to avoid purchasing listed plants, (2) notify the council in writing if they purchase a listed plant, and (3) give their reasons for doing so.

The bill requires Department of Environmental Protection DEP-approved safe boating courses to include instruction on the proper means of inspecting motorboats for invasive plants, and for identifying and disposing of them. It imposes a maximum \$100 fine on people who transport a motorboat without inspecting it for one of seven specific plants. It authorizes conservation officers, special conservation officers, and patrolmen appointed by the DEP commissioner to enforce this provision.

The bill exempts from its provisions plants transported for educational or research purposes.

EFFECTIVE DATE: October 1, 2002

INVASIVE PLANTS COUNCIL

Composition

The council consists of nine members. It includes the following officials or their designees:

1. agriculture commissioner,
2. DEP commissioner,
3. Connecticut Agricultural Experiment Station director, and
4. dean of the University of Connecticut's College of Agriculture.

It also includes one representative from:

1. Invasive Plant Atlas of New England;
2. a nonprofit association concerned with the environment, appointed by the House speaker;
3. a nonprofit association concerned with plant and flower growers and retailers, appointed by the Senate president pro tempore;
4. a nonprofit association concerned with oceans, lakes, and rivers, appointed by the governor; and
5. a company that grows or sells flowers and plants, appointed by the House minority leader.

Duties

The council (1) must meet at least twice per year and annually elect a chairperson from among its members, (2) may create work groups as needed, and (3) must report annually to the Environment Committee on its accomplishments and recommendations.

In addition to annually publishing and periodically updating a list of invasive plants, the council must:

6. develop and conduct a program to educate the public and merchants and consumers of aquatic and land-based plants about problems caused by invasive plants, and provide information to anyone requesting it;
7. recommend ways to control and abate the spread of invasive plants; and
8. help state agencies charged with protecting the environment conduct research into the control of invasive plants, including developing varieties of plant species that do not harm the

environment, and finding ways to eliminate and manage existing invasive plant species.

The council may conduct or recommend research within available appropriations. It may use state, federal, and other funds, and enter into contracts to carry out its duties.

INVASIVE PLANT CRITERIA

A majority of the council must approve the listing of a plant as an invasive species. In deciding whether to list a plant as invasive, the council must find that a plant:

1. is not indigenous (native) to the state;
2. occurs in the state without the aid and benefit of cultivation;
3. has the potential for rapid and widespread dispersion and establishment in the state or a part of the state;
4. has the potential for excessive dispersion over habitats of varying size and type;
5. has the potential to occur in high numbers outside intensely managed habitats;
6. occurs widely in a region or particular habitat within the state;
7. has many individuals within many populations;
8. can out-compete other species in the same natural plant community; and
9. has the potential for rapid growth, high seed production, and dissemination and establishment in natural plant communities.

The council can consider other criteria it deems appropriate.

COUNCIL FINDINGS

In listing a plant, the council must:

9. recommend ways to discourage its sale and import;
10. identify alternative plants for growing purposes; and
11. issue a finding on the: (a) estimated dollar value of sales of the plant in the state, (b) estimated costs associated with its eradication, (c) plant's potential effect on environmental resources, and (d) estimated effect on property values.

INSPECTING MOTORBOATS

The bill imposes a fine for failure to inspect a motorboat and remove and dispose of each of the following:

- 12. curly leaved pondweed (*potamogeton crispus*);
- 13. fanwort (*cabomba caroliniana*);
- 14. eurasian water milfoil (*myriophyllum spicatum*);
- 15. variable water milfoil (*myriophyllum heterophyllum*);
- 16. water chestnut (*trapa natans*);
- 17. egeria (*egeria densa*); and
- 18. hydrilla (*hydrilla verticillata*).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute Change of Reference to Judiciary

Yea 24 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0